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EXAMINER
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MMC1/0601

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ART UNIT	PAPER NUMBER
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2876

DATE MAILED:    06/01/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/196,963

Applicant(s)

Tara Singhal

Examiner

Douglas X. Rodriguez

Group Art Unit  
2876



☒ Responsive to communication(s) filed on Nov 20, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-25 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-4, 6, 9-13, and 15-25 is/are rejected.

☒ Claim(s) 5, 7, 8, and 14 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 22-23, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hovakimian U.S. Patent No. 5,466,919 (cited by applicant in PTO-1449, Paper No. 2).

Hovakimian discloses a universal charity card comprising coded identification on a customer-benefactor and a charity, wherein the coded identification is magnetically encoded (column 2, lines 3-15 and 35-36).

Hovakimian also teaches the claimed limitation of having customer-benefactor identification code on one side of the card and charity identification code on the other side of the card (column 2, lines 18-21, 31-36).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

1 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in  
2 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art  
3 are such that the subject matter as a whole would have been obvious at the time the invention was made to a  
4 person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be  
5 negated by the manner in which the invention was made.

6 4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hovakimian  
7 U.S. Patent No. 5,466,919.

8 Hovakimian has been discussed above, it fails to teach the use of bar coded means for  
9 coding the identification. Hovakimian does however, disclose the use of magnetic coded  
10 means for coding the identification. Coding information magnetically, optically, or  
11 electronically are all notoriously well known and commonly used procedures in the art.  
12 Furthermore, they are considered art recognized equivalents since they are all means utilized to  
13 code information. To code Hovakimian's magnetic information in bar coded means, would  
14 have been obvious to one of ordinary skill in the art at the time of the invention, since it would  
15 allow the coded information to be decoded by a variety of means, thus making it more  
16 versatile and capable of being used in a variety of machines.

17  
18 5. Claims 1-4, 6, 9-13, 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable  
19 over Hovakimian U.S. Patent No. 5,466,919 in view of Fernandez-Holmann U.S. Patent No.  
20 5,787,404.

21 Hovakimian discloses a universal charity card system comprising a universal charity  
22 card which identifies a customer-benefactor and a charity by coded information and a merchant

1 computer system which reads the universal charity card's coded information (column 2, lines  
2 3-15; column 3, lines 5-11).

3 Hovakimian fails to teach the step of computing a charitable contribution to the charity  
4 as a percent of sales to the customer-benefactor.

5 Fernandez-Holmann teaches such claimed limitation. Fernandez-Holman teaches a  
6 credit-card based retirement fund system and method, wherein a percentage of a sale is  
7 calculated and contributed to a retirement fund (column 5, lines 60-67; column 6, lines 1-3).

8 To modify Hovakimian's charitable contribution system so that a percentage of a sale is  
9 calculated and contributed to a specified account as taught by Fernandez-Holman, would have  
10 been obvious to one of ordinary skill in the art at the time of the invention. Since it would  
11 enable a cardholder to contribute to a charity of his choice with every purchase of goods or  
12 services.

13 Regarding claims 2 and 3, Hovakimian teaches storing in a merchant database the  
14 customer-benefactor identification, the charity identification, merchant identification and  
15 charitable contribution (column 3, line 5-32).

16 As for claims 4 and 12, Hovakimian discloses a card comprising customer-benefactor  
17 identification, and charity identification magnetically coded on a side of a card (column 2,  
18 lines 31-36).

1        Regarding claims 6 and 13, Hovakimian discloses a merchant computer system  
2        comprising an input peripheral device (20). Hovakimian fails to specifically disclose the  
3        presence of a sales/receipt software, a Universal Charity card system merchant software and an  
4        electronic link to the central computer system. Hovakimian does however disclose a network  
5        that manages the contributions made by a customer-benefactor (column 2, lines 67; column 3,  
6        lines 1-32). However, sales/receipt software, merchant software and electronic links, are all  
7        notoriously well known and commonly used features in every purchase transaction. Therefore,  
8        the presence of such components in Hovakimian's system would have been obvious to one of  
9        ordinary skill in the art at the time of the invention in order to expedite a transaction as well as  
10       to keep records of all transactions.

11       As for claims 9 and 17, Hovakimian fails to teach the presence of an interface function  
12       enabling a charity to enter the charity and customer-benefactor identification data into the  
13       central computer system. Interfaces enabling customers to enter data into central computer  
14       system are notoriously well known and commonly used in the art and official notice is taken in  
15       this matter. Examples of such interfaces are phone systems that permit a customer to create,  
16       or change account information. To adapt such notoriously well known interface system to  
17       Hovakimian, would have been obvious to one of ordinary skill in the art at the time of the  
18       invention, since it would allow a customer to remotely conduct account transactions.

1 As for claim 10, Hovakimian teaches the claimed limitation of an accounting function  
2 that generates statements to the merchant, charity and customer-benefactor (column 3, lines  
3 12-32).

4 Regarding claim 18, Hovakimian fails to teach an interface function that enables a  
5 customer-benefactor to enter the customer-benefactor identification data, multiple charities and  
6 percent splits among the multiple charities, into the central computer system. Interfaces that  
7 enable a customer to contribute specified percentage amounts of money into diverse accounts,  
8 are notoriously well known and commonly used in the art. Examples of such interfaces are  
9 phone systems that permit a customer to split funds derived from a paycheck to diverse  
10 accounts such as savings, checking, retirement accounts, etc To adapt such notoriously well  
11 known interface system to Hovakimian, would have been obvious to one of ordinary skill in  
12 the art at the time of the invention, since it would allow a customer to split funds to a variety  
13 of charities of most liking.

14 Regarding claim 19, Hovakimian teaches the claimed limitation of creating a universal  
15 charity card in conjunction with a credit/charge card (column 1, lines 11-14, 33-43).

16 As for claim 20, Hovakimian's network transaction processor (40), meets the claimed  
17 limitation of a charity's status authentication function (column 3, lines 12-25).

*Allowable Subject Matter*

1  
2 6. Claims 5, 7-8, and 14 are objected to as being dependent upon a rejected base claim,  
3 but would be allowable if rewritten in independent form including all of the limitations of the  
4 base claim and any intervening claims.

5 7. The following is a statement of reasons for the indication of allowable subject matter:  
6 the best prior art of record fails to teach or fairly suggest bar coding customer-benefactor  
7 identification data on one side of the card and charity identification data on the other side of  
8 the card, wherein a plurality of charities are bar coded along with percent split of charitable  
9 contribution among the plurality of charities.

10 The prior art of records also fails to teach or fairly suggest Universal Charity Card  
11 System merchant software comprising amongst the other well known procedures the step of  
12 computing cumulative charitable contributions equal to prior charitable contribution plus a  
13 percent of the current sale.

14  
15 *Conclusion*

16 8. The prior art made of record and not relied upon is considered pertinent to applicant's  
17 disclosure.

18 Ferguson et al. U.S. Patent No. 5,991,736. Discloses a customer incentive award system  
19 incorporating retirement accounts.



1 Wolfberg et al. U.S. Patent No. 5,745,706. Discloses a computer system for managing an  
2 investing and spending account.

3 McCarthy U.S. Patent No. 5,287,268. Discloses a system for accumulating cash based upon  
4 POS transactions.

5 9. Any inquiry concerning this communication or earlier communications from the  
6 examiner should be directed to Douglas X. Rodriguez whose telephone number is (703) 308-  
7 4081.

8 If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
9 supervisor, Donald T. Hajec, can be reached on (703) 308-4075. The fax phone number for  
10 this Group is (703) 308-7723.

11 Communications via Internet e-mail regarding this application, other than those under  
12 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and  
13 should be addressed to [douglas.rodriguez@uspto.gov].

14 All Internet e-mail communications will be made of record  
15 in the application file. PTO employees do not engage in Internet  
16 communications where there exists a possibility that sensitive  
17 information could be identified or exchanged unless the record  
18 includes a properly signed express waiver of the confidentiality  
19 requirements of 35 U.S.C. 122. This is more clearly set forth in  
20 the Interim Internet Usage Policy published in the Official

1 Gazette of the Patent and Trademark on February 25, 1997 at 1195  
2 OG 89.

3 10. If the applicant wishes to send a fax transmission which may be intended as non-official for  
4 consideration by the examiner for interviews or other purposes, the fax should be clearly marked:

5 1.) "DRAFT" and/or "COURTESY COPY" on the fax cover sheet along with a statement  
6 "DELIVER DIRECTLY TO EXAMINER", and

7 2.) Should be unsigned by the attorney or agent.

8 This will ensure that such an un-official fax transmission will not be entered into the application.

9 *Papers related to the application may be submitted to Technology Center 2800 by fax*  
10 *transmission. Papers should be faxed to Technology Center 2800 via the PTO Fax machine*  
11 *located in Crystal Plaza 4. The form of such papers must conform with the notice published in*  
12 *the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine numbers are:*  
13 *(703) 308-7722, (703) 308-7724, (703) 308-7382, (703) 305-3431, and 305-3432.*

14 Any inquiry of a general nature or relating to the status of this application should be  
15 directed to the Group receptionist whose telephone number is:


16 (703) 308-0956.

17  
18  
19 Douglas X. Rodriguez

20 Patent Examiner

21 GAU 2876

22 May 24, 2000

  
**Michael G Lee**  
**Primary Examiner**